

II. REMARKS

Preliminary Remarks

Claims 17 to 24 and 26 to 41 are pending of which claim 17 is independent. Claims 17, 32, 36, 38, and 40 are amended to better define the invention and to correct obvious errors. The applicants believe that no new matter is added.

This response is filed within the shortened statutory period for response, no fee due. The applicants respectfully request reconsideration and allowance of the present application.

Patentability Remarks

Rejections under 35 U.S.C. §112 –

Claims 17, 36, 38, and 40 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The applicants respectfully submit that these rejections are moot due to the amendments to the claims. Therefore, the applicants respectfully request withdrawal of these rejections.

Rejection under the judicially created doctrine of obviousness-type double patenting –

Claims 17, 32 to 38, 40, and 41 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 5 to 10, 12, 13, and 27 of Scicchitano *et al.* (U.S. Pat. No. 6,579,835). The applicants respectfully traverse in view of the following remarks.

Scicchitano *et al.* was filed on June 8, 2001 and claims priority to Italian patent application no. MI00A1268, filed June 8, 2000. The present application was filed on June 12, 2000, and claims priority to Italian patent application no. MI99A001303, filed June 11, 1999. Indeed, the examiner acknowledged that the applicants have satisfied the requirements of 35 U.S.C. §119 by filing the priority document in the present application. Therefore, Scicchitano *et al.* is not prior art and the applicants respectfully submit that a Terminal Disclaimer under 37 C.F.R. §1.321(c) is unnecessary and request withdrawal of this rejection.

III. CONCLUSION

In view of the amendments and remarks above, the applicants respectfully submit that this application is in condition for allowance and request favorable action thereon.

In the event that this response is not timely filed, the applicants hereby petition for an appropriate extension of time. The fee for this extension, along with any additional fees required with respect to this response, may be charged to Deposit Account No. 01-2300, referencing Attorney Docket No. 108910-00009.

Respectfully submitted,

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